

## **REMARKS**

Applicants herein are resubmitting their prior Response and Amendment filed on June 17, 2003 and have cancelled Claim 6 in the Amendment to the Claims as requested.

Applicants have amended Claims 1, 8, 10 and 12. Applicants submit that no new matter has been added and support for the amendment can be found at page 8, lines 21-26.

### **I. Claims Rejections - 35 U.S.C. § 112**

The Office Action rejects Claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have cancelled Claim 6 and accordingly request withdrawal of this ground of rejection.

### **II. Rejection under 35 U.S.C. §102(b)**

Claims 1-6 and 6-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kitahara, et al. (U.S. Patent No. 4,424,306).

Applicants respectfully traverse this ground of rejection and submit that in order to anticipate a claim, the prior art reference must teach each and every element of the claimed invention, either expressly or inherently. Applicants also submit that cited art which teaches a range within, overlapping or touching the claimed range anticipates a **IF** the cited art discloses the claimed range with sufficient specificity. See M.P.E.P. §2131.03. Applicants submit that Kitahara, et al. does not teach each and every limitation of the claimed invention. The claimed invention is directed to a rubber mixture comprising a rubber and 1 to 300 parts by wt., with respect to 100 parts by wt. of rubber, of a **polyurea filler with a particle size of 0.001 to 500 µm** and optionally, further rubber auxiliary substances and cross linking agents.

In contrast, Kitahara, et al. teaches a method for modifying a polyisoprene rubber. According to Kitahara, et al. the method includes reacting a diisocyanate with a primary diamine in the presence of polyisoprene rubber. Kitahara, et al.

discloses that the reaction product of the diisocyanate and the diamine **forms domains** (i.e., regions of the reaction product in the polyisoprene rubber, not particles of polyurea of a specific size mixed with the polyisoprene rubber) having a size of several hundred Angstroms **in the polyisoprene rubber**. Kitahara, et al. does not teach a rubber which comprises a rubber and particles of polyurea having a particle size of 0.001 to 500  $\mu\text{m}$ .

Applicants also submit that the phrase "several hundred Angstroms" does not disclose the claimed particle size with sufficient specificity. For instance, Applicants submit that several hundred could mean 200 or it could mean 24 hundred. There is no reason or motivation for one skilled in the art to arrive at the claimed particle size given the phrase "several hundred angstroms."

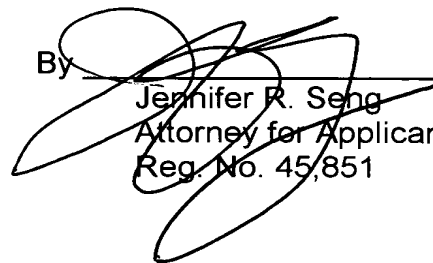
For at least these reasons, Applicants submit that Kitahara, et al. does not anticipate the claimed invention. Therefore, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

## **II. Rejection under 35 U.S.C. §103(a)**

Claims 1-4 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto, et al. Applicants traverse this ground of rejection, however Claims 1, 8, 10 and 12 have been amended to incorporate the subject matter of Claim 7, which was not rejected in view of Yamamoto, et al., accordingly Applicants submit the present rejection is moot and accordingly request withdrawal of this ground of rejection.

Respectfully submitted,

By



Jennifer R. Seng  
Attorney for Applicants  
Reg. No. 45,851

Bayer Polymers LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3879  
FACSIMILE PHONE NUMBER:  
(412) 777-3902  
s:\kgb\jrs147am